

CONTENTS.

1. Application to Surveyor) 11-16-10

1 1/2. Sketch

2. Field Notes.

2 1/2. aff. 11/25/10 N

~~3. Application to Purchase~~~~4. Treasurer's Receipt.~~

3. 4. Affidavits 5/24/11 N

File 9871

Harris County

SCHOOL LAND

Mch Approved SOLD TO 12/5/1910

10-28-10

J. T. Robinson
Commissioner

33 26

Acres.

Survey No. 224

Block No. —

Surveyed for

D. H. Hardy,

Ho.

ACT APRIL 15, 1905

Not disclosed by the official reap.
See endorsement in field notes
December 3/1910.

J. J. von Rosenberg

Mgl.

Application for Survey

APPLICATION No. 224

To Geo F. Horton County Surveyor of Harris
County, Texas, or ~~xxx~~ xxx District Surveyor of
Land District

By virtue of Section 8 of an Act approved April 15, 1905, and Act of May 16, 1907, I hereby apply for a survey of the following described unsurveyed land appropriated to the Public Free School Fund under Chapter 11, Act February 23, 1900, towit:

Situated in Harris County, Texas, about twenty five miles southeast from the County site. Said tract is bounded as follows:

Bounded on the west by the William P. Harris survey; on the north by the Johnson Hunter survey; on the east by the Trinity or Galveston Bay ; and on the south by the Ritson Morris survey. N. boundary line's Eastern Extension to the water of Galveston or Trinity Bay.

I solemnly swear that I desire said land surveyed with the intention of buying it, and that I am not acting in collusion with, or attempting to acquire said land for another person or corporation.

(N. B.—Write Name and P. O. Address Distinctly.)

Applicant.
P. O. Houston Texas

Subscribed and sworn to before me, this 30th day of August, 1910, ~~xxxx~~

(SEAL MUST NOT BE OMITTED.)

I, W. C. Harrison, County Surveyor of Harris County,
Texas, or Surveyor for Land District, hereby certify that the above and foregoing

application No. 724 was filed for record on the 30th day of June, 1940, at 5 o'clock

M., and recorded in Vol. 6, page 270, in my office Harris County, Texas.

Great Southern
Co. Surveyor - Harris Co.
Tex
J. C. Wheeler
Deputy

LAND OFFICE

S. F. No. *9871*

Application for Survey

Filed *11-16-10* 190

Hoalher
Commissioner.

Heber
Clerk.

*App. does not show a
deal by N. P. *A. H. Mueller*
Horn Co.
11/18/10
*Liberal**

file 8/3/10

MAP

OF SURVEY FOR APPLICATION N^o 224
HARRIS COUNTY, TEXAS.

MADE FOR D. H. HARDY, HOUSTON, TEX.

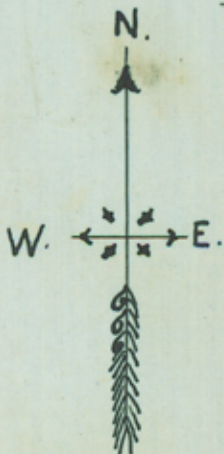
VARIATION 8°30'E

SCALE 1 in. = 72 YARDS

C. Peperkorn C.E.

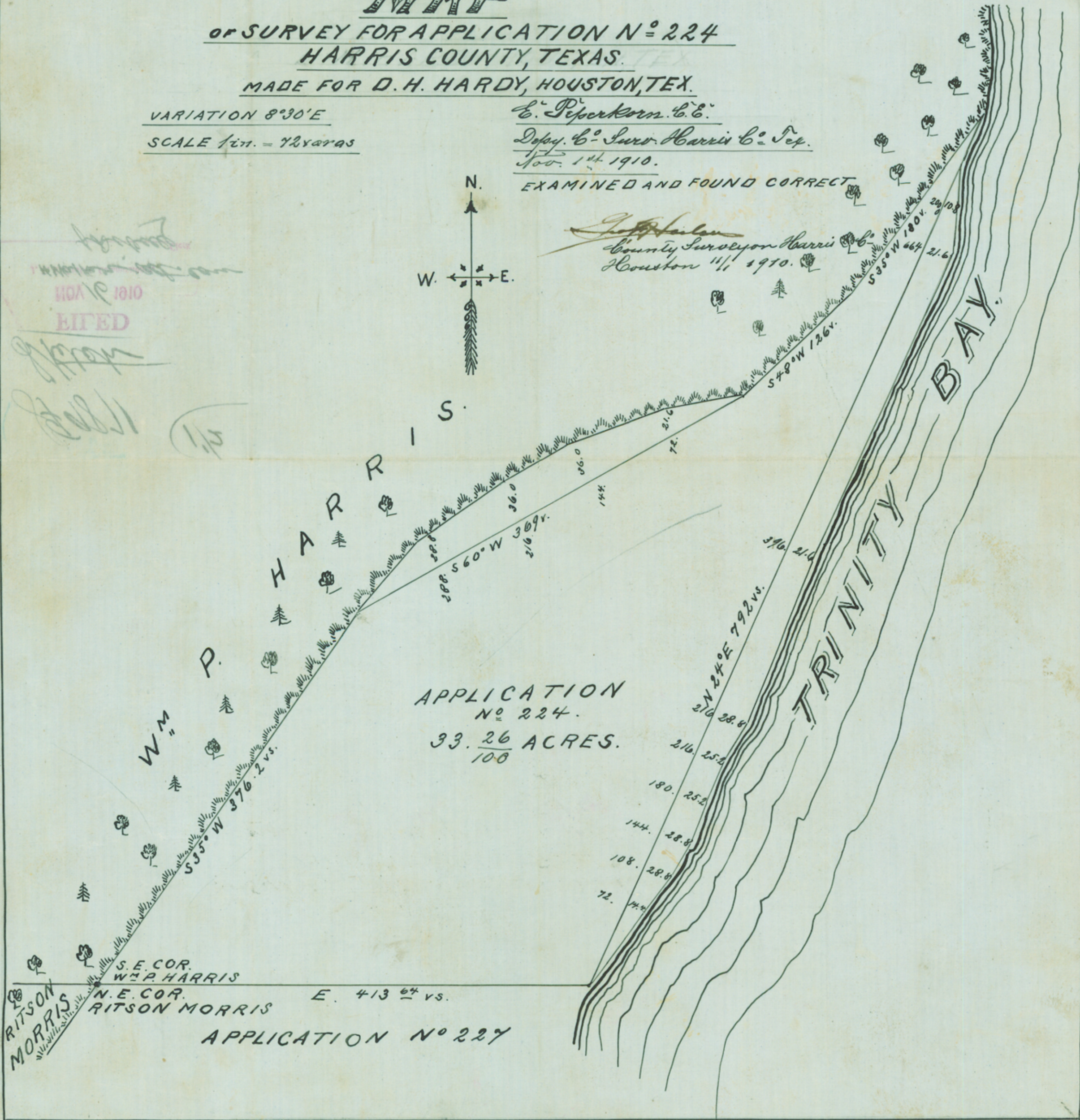
Deputy Co. Surveyor Harris Co. Tex.
Nov. 1st 1910.

EXAMINED AND FOUND CORRECT



County Surveyor Harris Co.
Houston 11/1 1910.

APPLICATION
N^o 224.
33. $\frac{26}{100}$ ACRES.



RITSON MORRIS

S.E. COR.
W.P. HARRIS
N.E. COR.
RITSON MORRIS

E. 413 64 vs.

APPLICATION N^o 227

WILSON

APPLICATION No. 554

WILSON MORRIS
M.E. COB
M.E. HARRIS
2 E. COB

E. #13 2 12

33 100
50 ACRES
No 554
APPLICATION

222.5 M 3 1/2 3 1/2

1 2

200.0 M 3 1/2 3 1/2

250.0 M 3 1/2 3 1/2

240.0 M 3 1/2 3 1/2

230.0 M 3 1/2 3 1/2

220.0 M 3 1/2 3 1/2

210.0 M 3 1/2 3 1/2

200.0 M 3 1/2 3 1/2

79871

1 1/2

Sketch

FILED

NOV 16 1910

J. H. HARRIS att. con

J. H. HARRIS



EXAMINED AND FOUND CORRECT
Jas. H. HARRIS
Jas. H. HARRIS
Jas. H. HARRIS

SCALE 1/4" = 100' 100'

MADE FOR D. H. HARRIS, WILSON, TEX.

HARRIS COUNTY, TEXAS

#554 IN APPLICATION FOR SURVEY

WMB

Vol 1 - p. 129
Vol 2 p. 394

Johnson Hunter
T Aug 10/24.

Wm P Harris

Titled Dec 10/32

Vol 1 - p. 147
Vol 8 - p. 667.

W 2550

Trinity Bay

Thence following margin of the Bay
upward to the plateau

Douglas notes

1580

to Galveston Bay

Ritaon Morris

Nov 14/32

Vol 6 p. 159
Vol 8 p. 703

T₂

I, E. Piper Korn, Deputy Surveyor of Harris County Texas,

do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground.

This 31st day of October 1900

E. Piper Korn
Deputy Surveyor of Harris County Texas.

I, Geo. F. Horton, Surveyor of Harris County Texas,

do hereby certify that I have examined the foregoing Plat and Field Notes and find them correct, and that they were made on the ground as stated in the above certificate, and that they are recorded in my office in Book E, page 372

This 1st day of November 1900

Geo. F. Horton
Surveyor of Harris County Texas.

LAND OFFICE

S. F. No. 9871

FIELD NOTES

Filed 11/16/10 1900

J. J. Walcher
Acting Commissioner.

J. J. Walcher
Clerk.

Approved 12-5 1900

J. J. Walcher
Commissioner.

Not disclosed by the official map
No vacancy for Wm. P. Harris
entirely old
gravel, filled Dec. 10/1832
the English field notes,
and spanning still both
call to follow Galveston
Bay upward to the
place of beginning.
Dec. 3/1910. Wm. P. Harris

RECEIVED

NOV 16 1910

GEO. W. BEAVER
RECEIVER

I, E. Piper Korn, Deputy

Surveyor of Harris County,
do solemnly swear that the classification and market
value of the land included within the limits of the within
field notes is as follows, viz:

Clay State Character. Soil

Agricultural, market value none
Dry or Watered.

Grazing, market value \$1.50 per acre
Dry or Watered.

Kind of Timber none

Market Value of Timber none

Overflow yes Swamp none

Suitable for Settlement no

Sworn to and subscribed before me this the 17th
day of November 1900

Wm. P. Harris

Within enclosure of none

Improvements owned by none

P. O. address of owner of enclosure or improvements is none

E. Piper Korn
Deputy Surveyor.

THE STATE OF TEXAS,)
COUNTY OF HARRIS.)

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142
11
4
14

I, the undersigned, A. H. Mueller, being duly sworn on oath, do say that I am a Notary Public of Harris County, Texas, and was such Notary Public on August 30, 1910; that I took the affidavit of D. H. Hardy to the application covering survey No. 224, consisting of 33.26 acres, as it was surveyed, situated in Harris County, Texas, That the said D. H. Hardy, the applicant did appear before me, the said A. H. Mueller, a Notary Public as aforesaid, on the 30th day of August, 1910, and that on said date last named, the said D. H. Hardy did swear to said application No. 224, before me, and signed his name thereto in my presence, and I further certify on oath, that I was not aware, prior to this time, that I had omitted to fix my notarial seal to the jurat or certificate, and that the omission of the notarial seal was an oversight on my part.

A. H. Mueller

Sworn to and subscribed before me, by A. H. Mueller,
this 23rd day of November, 1910.

J. V. Meek
Notary Public in & for
Harris County
Tex





this 23rd day of November, 1910.

Sworn to and subscribed before me, by A. H. Mueller,

Notary Public in Texas
J. T. Robinson

22

S.F. 9871

AFFIDAVIT

FILED

NOV 25 1910

J. T. ROBINSON, Commissioner.

J. T. Robinson

A. H. Mueller

an over sight on my part.

or certificate, and that the omission of the notarial seal was

time that I omitted to fix my notarial seal to the instrument

and I further testify on oath, that I was not aware, prior to this

to. I am, and I signed his name thereto in my presence.

defect, the said J. H. Hardy did swear to said application

as a true and correct copy of the same, on the 30th day of August, 1910, and that on said

did swear before me, the said A. H. Mueller, a Notary Public

in Harris County, Texas, that the said D. H. Hardy, the applicant

No. 384, consisting of 33.36 acres, as it was surveyed, situated

affidavit of D. H. Hardy to the application covering survey.

was such Notary Public on August 30, 1910; that I took the

oath, do say that I am a Notary Public of Harris County, Texas, and

I, the undersigned, A. H. Mueller, being duly sworn on

COUNTY OF HARRIS,

THE STATE OF TEXAS.

STATE OF TEXAS)

COUNTY OF HARRIS)

Personally before me, the undersigned authority, on this day appeared E/ Peperkorn, a Civil Engineer, and resident citizen of Houston, Harris County, Texas, and being by me duly sworn on oath says:-

That on, to wit:- April 23, 1908, in the County of Harris, near Seabrook, on the shore line of the W. P. Harris Survey, Mr. Glen Harris, the son of William P. Harris, and the present owner of the Eastern portion of the W.P. Harris League, stated in my presence and in the presence of Charles Williford and Mr Kelett the owner of the adjoining land in the Ritson Morris League, that the W. P. Harris League never did extend to the water line, but that the Eastern boundary line of the same, was then and had always been recognized on the foot of the high bluff West of the actual water line, and that the space of low land lying between the said high bluff and the water's edge of Trinity or Galveston Bay was not and never had been a part of the W. P. Harris League, and was not and never had been claimed by William P. Harris, nor his heirs nor assigns as a part of the William P. Harris League. And further that Mr. Glen Harris personally went with affiant Mrs. Kelett and Chas. Williford and showed them the S. E. Corner of the Wm. P. Harris League which is also the N. E. Corner of the Ritson Morris League, where this same corner is located on the ground and that it was on the foot of the high bluff and not at the water's edge and that Mr. Glen Harris then and there stated that he helped to survey the Wm. P. Harris league in the capacity as chain carrier for his father who was then the County surveyor of this County and that the Survey considered the foot of the high bluff as the East boundary line of said Wm. P. Harris survey, where the East boundary fence of Wm. P. Harris is located now, and further that it was customary to call this foot of the high bluff the water's edge as the low land East of it would suffer from occasional overflows in times of high water and that the survey of the Wm. P. Harris League as well as the adjoining Ritson Morris League was made along this foot

— — —

Vittoria *benzoides* *ent*, an erect *glandular*

—: выеа нто по нтове у.луд

no date, no title, - 1871-83, 1881, 1882, in the collection

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of the high Bluff and called in the Field Notes as water's edge. Affiant further says that on, to wit: about the 8th day of September, 1910, after application No. 224, being file No.S. F. 9871 in the land office at Austin, was duly filed by D. H. Hardy of Houston, Texas, the affiant was on the said lands so filed upon for the purpose of making a survey, and at said time did in part make the survey, which was finally consummated and surveyed by me on October 28, 1910, and that in this Survey the North East Corner of the Ritson Morris which is also the South East Corner of the Wm. P. Harris Surveys as located and shown to him and others before mentioned by Mr. Glen Harris was considered and is the Southwest corner of this Survey made for Mr. D. H. Hardy in Application No. 224.

E. P. Korman, C. E.
DEPT. OF SURVEYOR, HARRIS CO.

Sworn to and subscribed before me by E. Peperkorn,
this 15th day of May 1911.

Isaac Stokes
Notary Public Harris
County Texas -

57-9871

STATE OF TEXAS

COUNTY OF HARRIS

Personally before me, the undersigned authority, on this day appeared Charles Williford, whose occupation is and for many years has been chain carrier, for surveyor, a resident citizen of Houston, Harris County, Texas, and being by me duly sworn on oath says:-

That on, to wit: April 23, 1908, in the County of Harris, near Seabrook, on the shore line of the W. P. Harris Survey, Mr. Glen Harris, the son of William P. Harris and the present owner of the Eastern Portion of the W. P. Harris League, stated in my presence and in the presence of Mr. E. Peperkorn, Civil Engineer, for whom I was then acting as chain carrier, that the W. P. Harris League never did extend to the water line of the Trinity or Galveston Bay, but that the Eastern boundary line of the same was then and had always been recognized as on the foot of the high bluff West of the actual water line, and that the space of low land lying between the said high bluff and the water's edge of Trinity or Galveston Bay was not and never had been a part of the W. P. Harris League, and was not and never had been claimed by William P. Harris, nor his heirs nor assigns, as a part of the W. P. Harris League. He stated that the East boundary line of said W. P. Harris was then and ever had been at the foot of the high bank some distance West of the actual water line; that the low lands lying between the bay shore, that is, the high bank above described, and the actual water's edge, as contained in the said file, No. 224 was not and never had been claimed or considered as a part of the said W. P. Harris League, and further that Mr. Glen Harris personally went with Mr. Peperkorn, Mr. Kelatt, the owner of the adjoining land in the Ritson Morris League and myself and showed us the S. E. Corner of the Wm. P. Harris League, which is also the N. E. Corner of the RITSON MORRIS LEAGUE where this same corner is located on the ground and that it was on the foot of the high bluff and not at the water's edge, and that Mr. Glen Harris then and there ^tsated that he helped to survey the ~~the~~

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Wm. P. Harris League in the capacity as chain carrier for his father who was then the County Surveyor of this County, and that the survey considered the foot of the high bluff as the East boundary line of said Wm. P. HARRIS SURVEY, and further that this foot of the high bluff was called the water's edge, on account of being covered by the water in times of high water, and further that this low land between the foot of the high bluff and the water's edge was considered as being without any value whatsoever and that it was customary to call the foot of the high bluff the waters edge. Affiant further says that on to wit: about the 8th day of September 1910, after application No. 224; being file No. S.F. 9871 in the Land office at Austin, was duly filed by D. H. Hardy of Houston, Texas, the affiant was on the said lands so filed upon, for the purpose of helping to make a Survey and at said time helped to make ^{of} part the Survey, which was finally consummated and surveyed by Mr. E. Peperkorn Civil Engineer on October 28th, 1910, with affiant and Wm. Foster as chain carriers and that in this Survey the N. E. Corner of the Ritson ^{Morris} ~~Harris~~ which is also the S. E. Corner of the Wm. P. Harris Surveys as located, and shown on the ground to him and others before mentioned by Mr. Glen Harris was considered and is the S. W. Corner of this Survey made for Mr. D. H. Hardy on Application No. 224.

Chas Williford

Sworn to and subscribed before me by Charles Williford this 14th day of May 1911.

John A. Mohr
Notary Public

Harris County Texas -

AFFIDAVIT

MAY 24 1911

J. T. ROBISON, Commissioner.

Clerk

and 6701

growth to an unexpected degree.

part the survey, which was finally completed and surveyed by
Mr. E. Lebeckorn Civil Engineer on October 28th, 1910, with
surveys and that the surveys as mentioned as being the
the survey which is also the
the corner of the Nelson Harris which is also the
the corner of the W. E. Harris survey as located and shown
on the ground to him and others before mentioned by Mr. Glen
Harris was considered and is the S. W. corner of this survey
made for Mr. D. H. Harris on July 10, 1908.

-The end of the world is not the end of the world
 and the end of the world is not the end of the world

Letter, Old redempted to yad and thoud: tiw ot no tant
-to hant ent nt lV8e . E. S. . Of ellt pried: ASS . Of notsoellqgs

[illegible][illegible]

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SF-9871

D.H. HARDY

INGHAM S. ROBERTS

HARDY AND ROBERTS
ATTORNEYS AND COUNSELORS AT LAW
HOUSTON, TEXAS

Nov. 15, 1910. RECEIVED AS TED

Hon. J. T. Robinson,

Commissioner Gen. Land Office,

Austin, Texas.

NOV 16 '10

GEO. W. BEAVER
RECEIVER

Dear Sir:

I enclose you by separate package my application for a survey on the borders of Trinity or Galveston Bay, in Harris County, Texas for a strip of about 33.26 acres of land, dated and filed in the Harris County Land Office on the 30th of August, 1910, being application No. 224. I also enclose you the field notes made out by E. Peperkorn, Deputy Surveyor of Harris County, Texas on October 31st, 1910, and approved by George F. Horton, Surveyor of Harris County, on November 1st, 1910. I also enclose you an extended original map as apart of the survey made by the said E. Peperkorn on November 1st, 1910, and approved by George F. Horton, the County Surveyor, on November 1st, 1910. I also herewith enclose you the fee of \$1.00 for filing the same. If the fees are not correct please notify me and I will make good whatever is necessary.

Please acknowledge receipt and advise me.

Yours truly,

D. H. Hardy

DHE/OK

Enclosed \$1.00 in
currency.

RECEIVED
REFERRED TO RECEIVER

NOV 16 1910

REMITTANCE CORRECT

100 cur.

applied to 89 9871

HOA: JB: JTO:



General Land Office.

State of Texas.

Austin.

December 5, 1910.

J.T. ROBISON, COMMISSIONER.
J.H. WALKER, CHIEF CLERK.

Mr. D. H. Hardy,

Houston, Texas.

Dear Sir:

This is to advise that the field notes made for you covering survey 224, in Harris Co., have been examined but are not approved. This survey is "not disclosed by the official map. No vacancy for this, entirely in the Wm. H. Harris grant titled Dec. 10, 1832. The English field notes and Spanish title both call to follow the Galveston Bay upward to the place of beginning."

The foregoing quotation is the endorsement upon the field notes made by Mr. E. von Rosenberg, examining draftsman. Your file stands rejected.

Yours truly,

Commissioner.

S.F. 9871

Dib/Morris

Q SF-9871



THOMAS W. CRIST, CLERK
STATE COMMISSIONER

General Land Office

State of Texas

Austin

December 2, 1910.

Mr. W. H. Hardy,

Houston, Texas.

Dear Sir:

Regarding the matter of your file being rejected, upon the old notes made by Mr. E. von Rosenberg, the following question is the endorsement: "The following was returned to the office of the General Land Office, Houston, Texas, for the purpose of being filed in the file of the old notes." The following is a list of the old notes: "The following is a list of the old notes, which have been examined and are not returned. This is for the purpose of being filed in the file of the old notes." This is to be also that the old notes

Yours truly,

Commissioner.

D.H.HARDY

INGHAM S. ROBERTS

HARDY AND ROBERTS
ATTORNEYS AND COUNSELORS AT LAW
HOUSTON, TEXAS

2-AFFIDAVITS
FILED
MAY 24 1911
J. T. ROBISON, Commissioner.
J. T. Robison Clerk

in SF 9871 4668

Houston, Texas, May 23, 1911.

Hon. J. T. Robison,

Commissioner of the Gen. Land Office,
Austin, Texas.

RECEIVED

MAY 24 1911

Referred to School

Dear Sir:-

Taking up again the question of the location file No. 224, Harris County ~~your~~ S.F. No. 9871, the location made by our Mr. D. H. Hardy on the Trinity or Galveston Bay Shore, we beg to ~~enclose~~ you herewith the affidavit of Mr. E. Peperkorn and also the affidavit of Mr. Charles Williford. Both to the affect that the survey as made by file No. 224, is made upon vacant and unappropriated Public Free School land, that is, that the W. P. Harris league and also Ritson Morris league both of them had their east lines surveyed originally to the foot of the high bluff, and left all of the low lands, which are covered by the file No. 224 unappropriated by either of said leagues. The affidavits show that this was the statement made by the present owner Glen Harris himself, the son of W. P. Harris, the original grantee, in the presence of the affiant Peperkorn and the affiant Williford, and also in the presence of Mr. Kellett the owner of the adjoining land in the Ritson Morris league.

You will perceive from the affidavits that Mr. Glen Harris was with his father W. P. Harris who was then the County surveyor of this county, when these leagues were surveyed and laid off on the ground. He carried these witnesses to the southeast corner of the Harris, where it is now and where it was established by the surveyor at the time that the league was surveyed, and

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STATIONER & PRINTER
STATIONER AND PRINTER
WALTON BRIDGE ROAD, LONDON
EAST LONDON

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#2.

the witnesses swear that he made the statement that at that time it was called the Bay Shore, because at some time the high water came above that low land and he states that that low land never was incorporated in the survey of the William P. Harris league.

Please therefore let us hear from you on the question of the issuance of the patent in view of these facts. We are aware that you ofcourse, would want to be well fortified in the proofs that the Harris league stops where the survey S.F. No. 9871 begins. There is no question but what Glen Harris and all of the owners of both Harris league and the Ritson league will testify the same way.

We also understand the rule as stated ~~above~~ in a former letter that you are guided in these matters of course by your official maps, as the land in question might be shown on them ~~xxx~~ in your office, but we take it that a land office map is subject to proofs as is any other document or instrument, no matter how sacred. This is an instance in which the official maps in your office are ^{not} contradicted, but in which it is shown by evidence that there is land lying east of the office map which was not taken into consideration nor accounted as land seventy years ago when the survey was made.

Please advise us what is your view now upon this additional phrase of the case, and of course if you take it as we think you ought, that the file should be granted and the patent issued, of course you may retain the two enclosed affidavits among your file.

Please let us hear from you on this matter at your very

earliest convenience,
DHH/JC-2 enc.

Yours truly,

Hardy Roberts

of the
the witness does not make the statement that at that time
it was called the day before, because at some time the high water
came above the low land and he states that that low land now
was incorporated in the survey of the William A. Harris lot.

These therefore let us hear from you on this matter at your very
of the issuance of the patent in view of these facts. We are
were that you intended, would want to be well fortified in the
proceeds that the patent should be issued in the name of the
1871 before. There is no question but that John Harris and all
the owners of both Harris lands and the Hutton lands will be
fully the same way.

The also understand the rule as stated above in a fur-
ther letter that can be added in these matters of course by your
or other means, and that the rule is not to be applied in
in your office, but we take it that a final decision and judgment
to proceed as in any other document or instrument, no matter how
-entirely this is the substance in which the official acts in your of-
fice are controlled, but in which it is shown by evidence that
there is and being such evidence as is not taken
into consideration per se as shown as being seventy years ago when
the survey was made.

These things we want in your view how soon this matter
should be decided, and of course it is your duty to do so
think you want, that the title should be executed and the patent
issued; of course you may retain the two endorsed affidavits a-
mount your title.
Please let us hear from you on this matter at your very

Very truly,
DANIEL J. CAMP.

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SF-9871

1689-JS

D.H. HARDY

INGHAM S. ROBERTS

HARDY AND ROBERTS
ATTORNEYS AND COUNSELORS AT LAW
HOUSTON, TEXAS

1026
406

9871

Houston, Texas, July 13th, 1911.

1609.

RECEIVED

JUL 14 1911

Referred to Chief Clerk

Mr. J. H. Walker,

Acting Commissioner of the General Land Office,

Austin, Texas.

Dear Sir:-

I am just in receipt of yours of the 12th inst., replying to mine of the 30th ult, with reference to S. F. 9871 being a file in my name on the Trinity Bay Shore in Harris County.

Replying to your statement that the file is, at this time out of place, I would suggest that it would be easy enough, if necessary, to procure a certified copy from the surveyor's records here; which I will do if you wish.

With reference to your suggestive statement as to the matters being now probably closed, I would say that underdate of May 26th, I received a letter from Mr. Robison acknowledging receipt of the affidavits and concluding with the statement that my said letter of the 23rd inst., enclosing the affidavit would "have due consideration".

You would not think that because your department had, at one time, on inadequate information concluded that the file could not be approved, that the department could not re-consider the proposition on a fuller knowledge of the facts. There is no mandatory statute imposing such limitations upon the power of the land commissioner, we both know; and even all courts frequently grant re-hearings and reverse their own orders. Of course I don't understand you to mean that the matter must be considered as finally disapproved, but as a mere suggestion for me to take up. I don't consider that it is necessary for the state to take

SF-9871

SF-9871

no. I don't consider that it is necessary for the state to take
 as finally disapproved, but as a mere suggestion for me to take
 I don't understand you to mean that the matter must be considered
 directly front re-hearings and reverse their own orders. Of course
 the land commissioner, we both know; and even all courts pre-
 mandatory statute imposing such limitation upon the power of
 the proposition on a fuller knowledge of the facts. There is no
 could not be involved, that the hearing could not reconsider
 at one time, on inadequate information concluded that the file
 You would not think that because your department had
 "have due consideration".

My said letter of the 23rd inst., enclosing the affidavit would
 certify of the affidavit and concluding with the statement that
 May 28th, I received a letter from Mr. Hopson acknowledging re-
 matters being now properly closed. I would say that underdate of
 with reference to your statement as to the
 records being which I will do if you wish.

It necessarily, to procure a certified copy from the university
 time out of place. I would suggest that it would be easy enough,
 referring to your statement that the file is, at this
 being a file in my name on the Trinity Bay Shore in Harris County,
 dying to mine of the 30th ult., with reference to S. F. 9871

I am glad in receipt of yours of the 18th inst., re-

Dear Sir:-

Austin, Texas.

Acting Commissioner of the General Land Office, July 14 1911

Mr. J. H. Walker,

RECEIVED

Houston, Texas, July 18th, 1911.

HARVEY AND ROBERTS
 ATTORNEYS AND COUNSELLORS AT LAW
 HOUSTON, TEXAS

1871

1908

#2.

the initiative and clear the title to the land, tentatively suggest. In the first place, there is no claimant of the land. The commissioner of the general land office, as far as that proposition goes, under the law has the authority to issue a patent wherever he is convinced that such lands have been discovered heretofore undisclosed, even though there are claimants for such land. The decision of the Supreme Court is to the effect that under such circumstances the commissioner could not be mandamusd to issue a patent, if he saw fit to refuse until the state had cleared the land from claimants. But that involves two propositions; the ^{one} where there are claimants, and the other the discretion of the commissioner. The state would in no ways be compromised if the commissioner, believing that lands presented are public lands subject to locations, should approve a file and issue patent even though there were claimants of the land as titled land. They but merely leave the patentee and the claimants to scrap the thing out in court, without involving the state in any way whatever; and it is purely discretionary with the commissioner, as to whether or not he would wait on the state to take the initiative and clear the title, or whether he would issue the patent notwithstanding. In the present instance however, there is no claimant of the land filed upon, except myself who made the file. The affidavits forwarded in my letter of the 23rd of May, and received by the commissioner, were affidavits to the effect that the owner of the contiguous survey, the W. P. Harris, and the heir of the original grantee, disclaimed in the presence of witnesses that the land I filed on, ever had been part of the

✓

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#3.

W. P. Harris and disclaimed that any of the heirs or holders of the W. P. Harris ever claimed this lowland as a part of that survey.

If you are not able to locate the papers which you say are temporarily misplaced, I would be glad to furnish certified copies from the surveyors records here and substitute them for the lost papers.

Please let me hear from you by an early mail, as I am anxious to have the matter deffinitely decided.

It occurs to me that inasmuch as the filing on these undisclosed vacancies is an act beneficial to the school fund and to the state, it is an easy matter of agreement between the commissioner and the locator where there is no serious question involving any strenuous official objection on his part. It looks to me as if the land office ought to lean towards these files because they are beneficial to the school fund in that they add that much to the fund; and especially ought this to be the case whereas in this instance, there is no question of the land being there, and there is no one claiming title to it. It seems to me that the file ought to meet the approval of your department, but on the contrary, if from your official standpoint it appears that there is any question that should be decided by a high authority, that that might be determined by a friendly appeal to the Supreme Court. That of course would only be necessary in the event of a final refusal or disapproval by the commissioner. But, as stated, I do not think that I should be forced to this proceeding under the facts of this case.

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W. P. Harris and disclaimed that any of the heirs or holders of the W. P. Harris ever claimed this land as a part of that survey.

If you are not able to locate the papers which you say are temporarily misplaced, I would be glad to furnish copies from the surveyors records here and substitute them for the lost papers.

Please let me hear from you by an early mail, as I am anxious to have the matter definitely decided.

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looks to me as if the land office ought to lean towards these files because they are beneficial to the school fund in that they add that much to the fund; and especially ought this to be the case whereas in this instance, there is no question of the land being there, and there is no one claiming title to it. It seems to me that the file ought to meet the approval of your department, but on the contrary, if from your official standpoint it appears

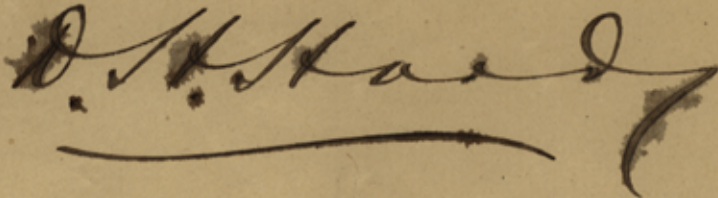
that there is any question that should be decided by a high authority, that that might be determined by a friendly appeal to the Supreme Court. That of course would only be necessary in the event of a final refusal or disapproval by the commissioner. But, as stated, I do not think that I should be forced to this proceeding under the facts of this case.

#4.

I very much hope that on getting together the affidavits and the papers and the further due consideration promised in Mr. Robison's letter of May 26th, that the department will conclude to approve of the file. I can get further proofs along the line of the affidavits of Peperkorn and Williford, forwarded to Mr. Robison in my letter of May 23rd, ^{if necessary}. Please let me hear from you.

Yours truly,

DHH/JBC.

A handwritten signature in dark ink, appearing to read "D. H. Hardy". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

SF-9871 (8)

I very much hope that on getting together the affidavits and the papers and the further due consideration promised in Mr. Robison's letter of May 26th, that the department will conclude to approve of the life. I can get further proofs along the line of the affidavits of Leperhorn and Willford, forwarded to Mr. Robison in my letter of May 26th. Please let me hear from you.

Yours truly,

W. H. Murray

DHM/jbc.

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Houston, Texas, Jan. 6, 1912.

Hon. T. J. Robinson, Commissioner,
General Land Office,
Austin, Texas.

Dear Sir:

With reference to File S.F. 9871:-

The last communication that I received upon that subject was one under date of July 17, 1911, dictated by Mr. Nolan evidently during your absence from Austin, from its language, but actually signed by yourself. That letter read as follows in part: " Now, inasmuch as the matter suggested in your letter seemed to be for the personal consideration of the commissioner, and he has had the matter up before, upon his return to the department, your correspondence and file will be placed before him."

Please let me have your further consideration upon this file.

By examining the former correspondence, you will see that my letter of the 13th of July, to which the above quoted was a reply set forth the facts that the parties who ^{own} ~~went~~ the Harris League themselves admitted that the land I filed upon was vacant land.

Received

Yours very truly,

DHH/GLF

JAN 8 1912

D.H. Hardy

REFERRED TO SCHOOL

9 SF-9871

HARDY AND COMPANY, ATTORNEYS AT LAW
HOUSTON, TEXAS

Hon. T. L. Holloman, Commissioner,

General Land Office,

San Antonio,

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the application of the Texas Land Commission for the purchase of the land owned by the Texas Land Commission, and in reply to inform you that the same has been referred to the proper authorities for their consideration.

I am, however, unable to give you any definite answer at this time, as the matter is still under consideration. I am, however, sure that the same will be given your attention as soon as possible.

I am, Sir, very respectfully,
Yours very truly,
J. H. Hardy

J. H. Hardy

J. H. Hardy



General Land Office.

State of Texas.

Austin.

J.T. ROBISON, COMMISSIONER.
J.H. WALKER, CHIEF CLERK.

June 28, 1912.

Hon. D. B. Hardy,
Houston, Texas.
Dear Sir:-

I went down on the bay in Harris county and looked into the 33.26 acre tract, being Survey 224 filed on by you. I cannot reconsider and accept this application but will reject it for the reason if there is any vacant land there, the vacancy is greater than this survey, and under the law all vacancies of 640 acres or less must be sold as a whole.

While writing this, will say I have very serious doubts as to whether there is any vacant land there or not, and if it should be vacant, quite a portion of it is covered by tidewater and it may be that the spirit of the Act of February 23, 1900 did not contemplate the sale of land covered by tidewater, especially in view of the fact that the common law prohibits one from extending his land beyond the high tide and there being no statute especially authorizing the sale of lands covered by tidewater. I write you this because the file is in your name and will send a copy of it to Mr. Ingham S. Roberts of Houston.

Yours truly,

Robison/Log.

Commissioner.

UNITED STATES DEPARTMENT OF THE ARMY

OFFICE OF THE ADJUTANT GENERAL

WASHINGTON, D. C.

ADJUTANT GENERAL



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D.H. HARDY

INGHAM S. ROBERTS

HARDY AND ROBERTS
ATTORNEYS AND COUNSELORS AT LAW
HOUSTON, TEXAS

Houston, Texas, June 30th, 1911.

Hon. J. T. Robison,
Commissioner Gen. Land Office,
Austin, Texas.

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Referred to Law

Dear Mr. Robison:-

On the matter of my file No. S.F. 9871 on Trinity Bay Shore, off the W. P. Harris League, I would suggest, why not issue me the patent on the evidences that I furnished you, and leave the matter with any parties who would want to litigate the claim with me here. There will be no litigation I am confident. The file and location constitutes a legal right and I would like to have the matter settled as to the issuance of the patent, and the patent issue. I have no apprehension that the heirs of W. P. Harris, who still own the Eastern end of the league (if not all of it, I do not know) will ever raise a question of my right to the lowlands under a patent from the state of Texas.

It appears very clear to me that you have the authority to issue the patent under the evidences furnished you in the circumstances of the case. The state will be in no ways involved if any litigation should arise hereafter between me and any claimant under the Harris League.

I know of course, the high duty the commissioner owes to his official position in deciding of all matters of this kind, but it appears to me that you will be so plainly in

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the right and in the clear in this matter that it ought not to
require any further hesitancy.

Please let me hear from you at your earliest convenience

Yours truly,

DHH/JBC.

D. St. Hardy

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